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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,397	11/20/2001	Jung-Yu Hsieh	JCLA7289	2785
7590	12/19/2002		EXAMINER	
J.C. Patents, Inc. 4 Venture, Suite 250 Irvine, CA 92618			LEWIS, MONICA	
		ART UNIT	PAPER NUMBER	
		2822		

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/990,397	HSIEH ET AL. <i>[Handwritten Signature]</i>
Examiner	Art Unit	
Monica Lewis	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 September 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 4-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2 and 4-13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 November 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed September 30, 2002.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2 and 4-13 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: a) 106' (See Page 2 Line 9). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. The disclosure is objected to because of the following informalities: a) there are two "Summary of the Invention" headings (See Page 2 and 3).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2822

7. Claims 1, 2, and 4-13 are rejected under 35 U.S.C. 103(a) as obvious over Park (U.S. Patent No. 6,100,559) in view of Bui (U.S. Patent No. 6,163,049).

In regards to claim 1, Park discloses the following:

- a) a tunneling oxide layer (15) located upon a substrate (12) (See Figure 1b);
- b) a floating gate (16a, 16b and 16c) located upon the tunneling oxide layer (See Figure 1b);
- c) a first oxide layer (14a and 14b) located upon the floating gate (See Figure 1b);
- d) a high dielectric constant dielectric layer (24) located upon the first oxide layer (See Figure 1b);
- e) a second oxide layer, located upon the high dielectric constant dielectric layer, wherein, together with the first oxide layer and the high dielectric constant dielectric layer, a dielectric stacked layer is formed (See Column 2 Lines 20-25);
- f) a control gate (26) formed on the second oxide layer of the dielectric stacked layer (See Figure 1b); and
- g) a source/drain region (13a and 13b) located in the substrate on the two sides of the floating gate (See Figure 1a).

In regards to claim 1, Park fails to disclose the following:

- a) a dielectric constant of the high dielectric constant dielectric layer is greater than 8.

However, Bui discloses a dielectric layer composed of aluminum oxide, which has a dielectric constant of greater than 8 (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Park to include an aluminum oxide as disclosed in Bui because it aids in maintaining the capacitance of the ONO film.

In regards to claims 2 and 8, Park fails to disclose the following:

a) a band gap value of the high dielectric constant dielectric layer is less than a band gap value of silicon oxide.

However, Bui discloses a dielectric layer composed of aluminum oxide, which has a band gap less than silicon oxide (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Park to include an aluminum oxide as disclosed in Bui because it aids in maintaining the capacitance of the ONO film.

In regards to claims 4 and 10, Park fails to disclose the following:

a) the high dielectric constant dielectric layer is a single layer including one material selected from the group consisting of Al_2O_3 , Y_2O_3 , ZrSi_xO_y , HfSi_xO_y , La_2O_3 , ZrO_2 , HfO_2 , Ta_2O_5 , Pr_2O_3 and TiO_2 .

However, Bui discloses a dielectric layer composed of aluminum oxide (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Park to include an aluminum oxide as disclosed in Bui because it aids in maintaining the capacitance of the ONO film.

In regards to claims 5 and 11, Park fails to disclose the following:

a) the high dielectric constant dielectric layer is a layer including a mixed material any one selected from the group consisting of Al_2O_3 , Y_2O_3 , ZrSi_xO_y , HfSi_xO_y , La_2O_3 , ZrO_2 , HfO_2 , Ta_2O_5 , Pr_2O_3 and TiO_2 .

However, Bui discloses a dielectric layer composed of aluminum oxide (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Park to include an aluminum oxide as disclosed in Bui because it aids in maintaining the capacitance of the ONO film.

In regards to claims 6 and 12, Park fails to disclose the following:

a) the material of the high dielectric constant dielectric layer is a stacked layer, each layer of the stacked layer including one selected from the group consisting of Al₂O₃, Y₂O₃, ZrSi_xO_y, HfSi_xO_y, La₂O₃, ZrO₂, HfO₂, Ta₂O₅, Pr₂O₃ and TiO₂.

However, Bui discloses a dielectric layer composed of aluminum oxide (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Park to include an aluminum oxide as disclosed in Bui because it aids in maintaining the capacitance of the ONO film.

In regards to claim 7, Park discloses the following:

- a) a tunneling oxide layer located upon a substrate (See Figure 1b);
- b) a floating gate located upon the tunneling oxide layer (See Figure 1b);
- c) a first oxide layer located upon the floating gate (See Figure 1b);
- d) a high dielectric constant dielectric layer located upon the first oxide layer, wherein, together with the oxide layer, a dielectric stacked layer is formed (See Figure 1b and Column 2 Lines 20-25);
- e) a control gate formed on the second oxide layer of the dielectric stacked layer (See Figure 1b); and
- f) a source/drain region located within the substrate on the two sides of the floating gate (See Figure 1a).

In regards to claim 7, Park fails to disclose the following:

- a) a dielectric constant of the high dielectric constant dielectric layer is greater than 8.

However, Bui discloses a dielectric layer composed of aluminum oxide, which has a dielectric constant of greater than 8 (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device

of Park to include an aluminum oxide as disclosed in Bui because it aids in maintaining the capacitance of the ONO film.

In regards to claim 9, Park fails to disclose the following:

- a) a dielectric constant of the high dielectric constant dielectric layer is greater than 8.

However, Bui discloses a dielectric layer composed of aluminum oxide, which has a dielectric constant of 10 (See Column 4 Lines 29-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Park to include an aluminum oxide as disclosed in Bui because it aids in maintaining the capacitance of the ONO film.

In regards to claim 13, Park discloses the following:

- a) a tunneling oxide layer located upon a substrate (See Figure 1b);
- b) a floating gate located upon the tunneling oxide layer (See Figure 1b);
- c) a control gate (See Figure 1b); and
- d) a source/drain region located in the substrate on the two sides of the floating gate (See Figure 1a).

In regards to claim 13, Park fails to disclose the following:

- a) an Al₂O₃ layer.

However, Bui discloses a dielectric layer composed of aluminum oxide (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Park to include an aluminum oxide as disclosed in Bui because it aids in maintaining the capacitance of the ONO film.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 703-305-3743. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 703-308-4905. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML
December 3, 2002



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